

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP
(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Rezoning

ZB 4-1-01 Evangelical Formosan Church/Daher, 1515 Hiatus Road/
Generally located on the west side of Hiatus Road 500 feet north of SW
16 Street.

TITLE OF AGENDA ITEM:

ZB 4-1-01 Evangelical Formosan Church, petitioner/Faud, Jamell, and Selin Daher, owners
(A-1 to CF)

REPORT IN BRIEF: The applicant is requesting to rezone the 2.41 acre subject site from A-1, Agricultural District to CF, Community Facilities District in order to construct a church. The applicant has offered deed restrictions on the use of the property to help ensure that the church will be compatible with the neighborhood, and has committed to work with the neighborhood throughout the entire process of developing the site. The proposed zoning will be consistent with the Town and Broward County Residential (1 DU/Acre) Land Use Plan designation. The subject site meets the Land Development Code requirement for distance separation of 2,500 feet between houses of worship, and the parcel meets the conventional nonresidential development criteria. Hiatus Road has adequate capacity to handle the traffic generated by this use. Staff finds that the proposed use can be considered consistent with goals, objectives, policies and permitted uses of the Comprehensive Plan, and in harmony with the intent and purpose of the code.

PREVIOUS ACTIONS: Town Council tabled the item from the June 6, 2001 to the June 20, 2001 meeting at the request of staff.

CONCURRENCES: The Planning and Zoning Board recommended approval of the request at its June 13, 2001 meeting subject to the Declaration of Restrictions (Motion carried 4-1 with Vice-Chair Bender being opposed).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve subject to the voluntary declaration of restrictions.

Attachment(s): Justification letter, Proposed deed restrictions, Support letter example, Letters of objection, Land use map, Subject site map, Aerial

Application #: ZB 4-1-01

Revisions:

Exhibit "A"

Original Report Date: 6/15/01

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner #1:

Name: Faud Daher
Address: 1947 Jefferson Street
City: Hollywood, FL 33020
Phone: (954)927-7856

Petitioner:

Name: Evangelical Formosan Church
Address: 10865 SW 38 Drive
City: Davie, FL 33328
Phone: (954)236-5035

Owner #2:

Name: Jamell Daher
Address: 3600 SW 36 Street
City: Hollywood, FL 33023
Phone: (954)963-0135

Owner #3:

Name: Selin Daher
Address: 7613 Fairway Boulevard
City: Miramar, FL 33025
Phone: (954)983-3167

BACKGROUND INFORMATION

Date of Notification: May 16, 2001 **Number of Notifications:** 45

Application History: Staff requested the item be tabled from the May 23, 2001 Planning and Zoning Board meeting to the June 13, 2001 meeting due to improper notification of surrounding property owners.

Application Request: Rezone the 2.41 acre subject site **FROM:** A-1, Agricultural District; **TO:** CF, Community Facilities District.

Address/Location: 1515 Hiatus Road/Generally located on the west side of Hiatus Road 500 feet north of SW 16 Street.

Future Land Use Plan Designation: Residential (1 DU/Acre)

Zoning: A-1, Agricultural District

Existing Use: Vacant

Proposed Use: Church

Parcel Size: 2.41 acres (104,788 square feet)

Surrounding Uses:

**Surrounding Land
Use Plan Designation:**

North:	Nursery	Residential 1 DU/AC
South:	Single Family Residential, Nursery	Residential 1 DU/AC
East:	Village at Harmony Lake	Residential 5 DU/AC
West:	Vacant, Nursery	Residential 1 DU/AC

Surrounding Zoning:

North:	A-1, Agricultural District
South:	A-1, Agricultural District
East:	PRD-5, Planned Residential District
West:	A-1, Agricultural District

ZONING HISTORY

Related Zoning History: None pertaining to the subject site. It is noted that Town Council denied an identical request from the same applicant for a 4.55 acre site located at the northwest corner of SW 26 Street and Peaceful Ridge Road under petition ZB 3-2-98 on May 20, 1998.

Previous Request on same property: None.

APPLICATION DETAILS

The applicant is requesting to rezone the 2.41 acre subject site from A-1, Agricultural District to CF, Community Facilities District in order to construct a church. The applicant is unable to provide a conceptual site plan of the proposed facility at this point in time, but has offered deed restrictions on the use of the property to help ensure that the church will be compatible with the neighborhood, and has committed to work with the neighborhood throughout the entire process of developing the site.

The proposed restrictions consists of the following:

1. The subject property shall be limited to a House of Worship that is designed to resemble a single family residence that is no more than 16,000 square feet in size.
2. The property owner will provide and maintain a 25 foot landscape buffer around the subject site that will include a berm, hedges, and other landscape materials that are deemed suitable by the neighborhood, site plan committee, and Town Council.

Applicable Codes and Ordinances

1. Section 12-307 of the Land Development Code, review for rezonings.
2. Section 12-34(DD) of the Land Development Code, Churches, Houses of Worship, requires that there be a 2,500 foot separation between Houses of Worship.
3. Section 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, Community Facilities Districts, requires minimum lot area of 43,560 square feet, minimum lot frontage of 100 feet, minimum front setback of 50 feet, minimum side and rear setbacks of 25 feet, and maximum building height of 35 feet.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. This area includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Ave. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100. In addition, the applicant is required to plat and satisfy Broward County traffic concurrency requirements.

Applicable Goals, Objectives & Policies: Policy 13-2: Community Facilities may be permitted in land use categories other than Community Facilities category, provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes.

Staff Analysis

The proposed zoning will be consistent with the Town and Broward County Residential (1 DU/Acre) Land Use Plan designation. The subject site meets the Land Development Code requirement for distance separation of 2,500 feet between houses of worship, and the parcel meets the conventional nonresidential development criteria. In addition, the proposed deed restrictions will limit the site to a church that resembles a single family dwelling. The congregation is small with average church attendance over the past six months that consists of 52 adults, 11 teens and 8 children with approximately 35 families. It is noted that staff has received 34 form letters from residents of the Town supporting the requested rezoning, although the majority were not neighboring property owners.

Based upon a maximum 16,000 square foot church, no more than 12 trips will be generated on weekdays during AM or PM peak hour traffic, and approximately 152 trips would be generated on Sundays during the peak hours of church usage. Currently, Hiatus road is a two-lane local collector that has a capacity of 10,900 average daily trips and is operating at a Level of Service Standard "C" with 9,400 average annual trips in the year 2000. Hiatus Road has adequate capacity to handle the traffic generated by this use.

Based upon the foregoing analysis, staff finds that the proposed use can be considered consistent with goals, objectives, policies and permitted uses of the Comprehensive Plan, and in harmony with the intent and purpose of the code.

Findings of Fact

Rezoning:

Section 12-309(B)(1):

The following findings of facts apply to the rezoning request.

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The Comprehensive Plan recognizes that Community Facilities of appropriate scale can be

permitted within residential areas.

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

(d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

The subject site is a small 2.4 acre parcel adjacent to vacant land/nurseries. The proposed deed restrictions will limit the site to a church that resembles a single family home, limiting its future impact on the surrounding properties as they develop.

(e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Traffic generation on weekends before and after church services will exceed that anticipated for single family residential use of the property. However, traffic conditions will be confined to Hiatus Road, which serves as a collector roadway, and traffic on local residential streets will not be affected.

(f) The proposed change is not expected to adversely affect other property values;

The applicant is proposing to construct a small facility that is well buffered with 25 feet of landscaping, and designed with sensitivity so that it blends with the surrounding area.

(g) The proposed change is not expected to be a deterrent to the improvement or development of other property in accord with existing regulations;

The applicant is proposing to construct a small facility that is well buffered with 25 feet of landscaping, and designed with sensitivity so that it blends with the surrounding area.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

(j) The proposed zoning designation is not the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends **approval**, of petition ZB 4-1-01, subject to the Declaration of Restrictions provided by the applicant.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the request at its June 13, 2001 meeting subject to the Declaration of Restrictions (Motion carried 4-1 with Vice-Chair Bender being opposed).

Exhibits

1. Justification letter
2. Proposed deed restrictions
3. Support letter example
4. Letters of objection
5. Land use map
6. Subject site map
7. Aerial

Prepared by: _____

Reviewed by: _____

EVANGELICAL FORMOSAN CHURCH
of South Florida

*10865 S. W. 38th Drive
Davie, Florida 33328
(954)236-5035*

April 12, 2001

Re: Application for rezoning of 1515 S. Hiatus Road from A-1 to CF

Dear Town of Davie:

It is our desire to rezone and purchase the approximately 2.4 acres vacant land located on the west side of Hiatus Road (112th Avenue) about 500 feet north of S.W. 16th Street from A-1 (Agricultural District) to CF (Community Facilities). The purpose of this rezoning is to permit us to build a church on the site to serve residents of the Town of Davie as well as adjacent communities.

Our parish is very small. In 1991, we started with most members from Coral Ridge Presbyterian Church and First Baptist Church in Fort Lauderdale. We are currently meeting at Tall Street Baptist Church in Hollywood. The averages of church attendants for the past six months are 52 adults, 11 teens and 8 children, with approximately 35 families. We have grown little for the past ten years.

With these small numbers of church goers, the additional traffic generated by the proposed change from Agricultural District to Community Facilities will also be small. Actually the traffic demand on Hiatus Road during the peak hours will be reduced because of the change. The proposed change will increase approximately 80 trips on Sundays. Other times of the week including daily peak hours, Hiatus Road will seldom be used by the church members. Furthermore, the vehicular movements of ingress and egress of the property would only be a short period of time even on Sundays.

Hiatus Road is classified as a two-lane city collector. According to the Broward County Transportation Planning Division, the roadway capacity of this section of Hiatus Road is 10,900 average daily traffic (ADT). The ADT on Hiatus Road south of I-595 was 6,600 in 1999 with a Level of Service "C." Which is better than the countywide adopted standard of Level of Service "D." Since the nearest church is more than 2,500 feet away, no adverse traffic impact is expected for the proposed zoning change.

The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts. As stipulated in the comprehensive plan policy statements, community facilities like churches are to provide for the development of a wide range of activity centers necessary to satisfy the demands of the population in the Town of Davie. Since the Town permits community facilities within all land use categories, the proximity to the one acre residential area and agricultural districts is appropriate. Certainly the church is considered a support facility especially in residential areas.

We believe property values will be enhanced by our purchase of this property. The previous sale of this property occurred in December 1995 with a price of \$75,000, and the current contract sale of this transaction is \$210,000. The adjacent properties to the north and west which had recently changed ownership also indicate this similar trend. Those two properties sold for \$106,300 each, with the same acreage, one in September 1997 and the other, September 2000. The increase from this latest sale of \$106,300 to \$210,000 is almost doubled in three years. This increase of land value also indicates why the property cannot be used in accordance with the existing zoning. The economical value of a small agricultural parcel can no longer justify its cost in Broward County.


Furthermore, the proposed change is supported by the property's location and site characteristics. The property is located near Broward County's major east-west transportation corridor, I-595. The site directly fronts on Hiatus Road. It will not be a deterrent to the improvement or development of other property in accordance with existing regulations. First, the property is the least developed parcel in the neighborhood, it is vacant with discarded trashes. The proposed change therefore will be an improvement to the existing site and to the surrounding neighborhood, where the Village at Harmony Lake is to the east of the site. Second, to the north, west, and south of the site, their existing uses are tree and plant nurseries, in which their future improvement or development will certainly not be adversely impacted.

Since the land use designation of the site is Residential (1), the proposed change will also reduce the residential density in the neighborhood. It will decrease the demand for school, park and recreational facilities. At the end, it reduces the pressure of urban sprawls.


We believe our church will be an asset to the Town of Davie. We would ask our architect to design the church aesthetically pleasing to the community. A beautifully landscaped, well-thought out church will certainly be more "valuable" to our neighbors. All of our contact with surrounding neighbors has been very positive. We will continue to involve our neighbors in the future site planning and design processes.

Thank you in advance for considering this application as we try to be available to serve the Town of Davie and the Hiatus neighborhood specifically.

Respectfully yours,



John Chiang
Chairman of the Deacons



Cephas Shih
Pastor

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned Evangelical Formosan Church, being the owner(s) of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the above-described property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit for the Town of Davie, Florida.

1. The above described property shall be limited to a House of Worship that resembles a single family dwelling that is no more than 16,000 square feet in size.
2. The property owner will provide and maintain a 25 foot landscape buffer around the subject site that will include a berm, hedges, and other landscape materials that are deemed suitable by the neighborhood, site plan committee, and Town Council.
3. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination hereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.
4. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.
5. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2001.

Signed, sealed and delivered

BY: _____

Witness

PRINT: _____

Witness

PRINT: _____

STATE OF FLORIDA |
 SS:
COUNTY OF BROWARD |

The foregoing instrument was acknowledged before me this ____ day of _____,
2001, by _____ who is personally known to me or produced
_____ as identification.

Notary Public:

Sign:

Print

Name:

My Commission Expires:

Mr. Mark Kutney
Director
Development Services Department
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399

Subject: Rezoning Application at 1515 S. Hiatus Road from Agricultural District (A-1) to
Community Facilities (CF)

Dear Mr. Kutney:

We are in support of the subject application for the proposed change of zoning district from
Agricultural to Community Facilities, because it will not adversely impact the neighborhood.

A church on Hiatus Road south of State Road 84 will be an asset to this community. We would ask
the church to be built aesthetically pleasing to the community. A beautifully landscaped, well-
thought out church would certainly be more "valuable" to our neighborhood.

Sincerely,

Signature

Signature

Name in Print

Name in Print

Address

Date

CROISSANT PARK MANAGEMENT GROUP

2511 S.W. 2ND AVE
FORT LAUDERDALE, FLORIDA 33315
U.S.A.

Phone 954-524-2030
Fax 954-524-5161

May 18, 2001

TOWN OF DAVIE
6591 Orange Drive
Davie, Florida 33314

ATTENTION: TOWN CLERK

RE: ZB 4-1-01

Dear Sir or Madam:

We would like to express our opposition to the rezoning. It would adversely effect our property value and the intended zoning for the neighborhood.

Sincerely,

CROISSANT PARK MANAGEMENT GROUP



Gary L. Waldron

RECEIVED
MAY 22 2001
TOWN OF DAVIE

RECEIVED
MAY 25 2001
TOWN OF DAVIE

June 12, 2001 09:30 AM PM

JOYCE MARIE STEWARD

Phone 954-472-5335
Fax 954-472-0846

10050 S.W. 28th Street
Davie, Florida 33324

June 12, 2001

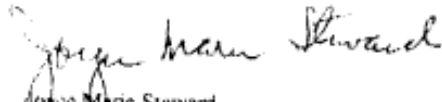
To the Davie Planning and Zoning Advisory Board

It has come to my attention that a matter of rezoning a parcel of land located at 1515 Hiatus Road in Davie will come before you at your meeting tomorrow, June 13. I am unable to attend the meeting in person because of a business appointment but I wish to make my feeling known to you regarding this proposal.

Several years ago many of us who live along the Hiatus Road corridor and supported by the Town of Davie worked very hard to assure that Hiatus Road would remain a peaceful, quiet, rural, residential 2 lane road. We were able to have the trafficways plan for Broward County delete Hiatus Road from future widening because the county also felt that we deserved our stretch of heaven.

More recently, another large group of residents from Davie voiced their strong support for the builder's acre to remain the lot size of choice in the existing residential areas and the Town Council supported that by passing an ordinance to that effect.

The parcel of land I mentioned at the onset of this letter sits at the beginning of the acre residential properties on Hiatus Road and I would ask that you recommend keeping that property it's current A-1 zoning and deny a change to Community Facility.


Joyce Marie Steward

